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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,716	09/26/2001	Joshua A. Norrid	AUS920010667US1	9290
45993	7590	01/10/2008	EXAMINER	
IBM CORPORATION (RHF) C/O ROBERT H. FRANTZ P. O. BOX 23324 OKLAHOMA CITY, OK 73123			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3693	
			MAIL DATE	DELIVERY MODE
			01/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/963,716

Applicant(s)

NORRID, JOSHUA A.

Examiner

Stefano Karmis

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The following communication is in response to Applicant's appeal brief filed 04 October 2007.

#### *Status of Claims*

2. There are no amendments to the claims. Claims 1-18 are currently pending.

#### *Reopening of Prosecution After Appeal Brief*

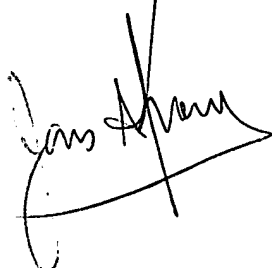
3. In view of the appeal brief filed on 04 October 2007, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, 6, and 11 the phrase “selected from the group of a wholesale booking party, an agent booking party and a direct customer party” renders the claim indefinite because it is unclear whether the is requiring that all and only all three of these options be present for selection, or whether merely selecting at least one of these booking party types is required. Examiner interprets it to be that at least one booking party must either be a wholesaler, an agent or direct customer. Amending the claim to recite “selected from the group consisting of a wholesale booking party, an agent booking party and a direct customer party” would provide for an interpretation that all three booking party types must be present.

Claims 5, 10 and 15-18 have similar language and are thus are rejected under the same reasoning discussed above for claims 1, 6 and 11.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankes U.S. Patent 6,477,503 in view of Schiff et al. (hereinafter Schiff) U.S. Publication No. 2003/0004760.

Regarding independent claims 1, 6 and 11, Mankes teaches a method for establishing a reservation for a service or product:

periodically synchronizing a clone inventory database with an inventory of a reservation management system (column 4, lines 63 thru column 5, line 25);

directing a booking party to a set of web objects according to the type of booking party, the web objects being served by a cloned server having a set of common web objects with a primary site and a set of web objects unique to said booking party type, and wherein said booking party type is selected from the group of a wholesale booking party, an agent booking party, and a direct customer party; (column 5, lines 25-33 and column 5, line 58 thru column 6, line 11 and Figure 7 and column 7, lines 22-45);

collecting a reservation data set from said booking party including itinerary and preferences for a customer (column 7, line 46 thru column 8, line 23 and Figure 2);

establishing a reservation in said management system according to said reservation data set if a matching service or product is available, said reservation being associated with a customer profile (column 7, line 46 thru column 8, line 23 and Figure 2); and

determining a revenue value to be afforded to said booking party (column 5, lines 26-33; Examiner notes the certain types of consumers receive commissions).

Mankes fails to teach recording the revenue in a revenue pool for the booking party. Schiff teaches a system and methods for on-line selling and booking of cruises enable a plurality of customers, agents, and cruise lines to interact with a cruise selling and booking system via communication mediums (Abstract and paragraph 0044). Schiff teaches the use of web-pages for both agents and customers can book using the reservation system Furthermore, Schiff teaches recording revenue in a revenue pool for a booking party (paragraphs 0016, 0168 and 0217). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the commission teachings of Mankes to include the revenue pool teachings of Schiff because it provides for tracking the various commissions and fees paid out to different entities associated with making bookings/reservations.

Claims 2, 7 and 12, wherein said step of directing a booking party to a set of web objects comprises a step selected from the group of providing a plurality of Universal Resource Locators, web addresses, and subdomains, each being tailored to the needs of a booking party type (column 5, line 34 thru column 6, line 3 and column 7, line 47 thru column 8, line 2).

Claims 3, 8 and 13, Mankes teaches known and unknown booking parties. Mankes fails to teach customer profiles. Schiff teaches allowing said booking party to create a new customer profile (paragraph 0082). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Mankes to include profile management because Mankes tracks whether the party using the system is known including information regarding which party accesses the system.

Claims 4, 9 and 14, Mankes teaches known and unknown booking parties. Mankes fails to teach customer profiles. Schiff teaches allowing said booking party to modify an existing customer profile (paragraph 0082).

Regarding claims 5, 10 and 15-18, Mankes teaches wherein the step of establishing and associating said reservation with a customer profile comprises a step selected from the group of establishing a hotel reservation, reserving a travel ticket, booking a rental car, reserving a golf tee time, reserving an entertainment ticket, and reserving products due for future availability (column 7, line 46 thru column 8, line 23 and Figure 2).

Claims 16-18, wherein said reservation management system is selected from the group of a hotel reservation management system, a travel reservation management system and a vacation reservation management system (column 6, lines 4-32 and column 7, line 46 thru column 8, line 23 and Figure 2).

### ***Response to Arguments***

8. Applicant's arguments filed 04 October 2007 have been fully considered and are persuasive. Therefore the previous grounds of rejection is withdrawn.

9. Applicant's arguments with respect to claims 1-18 are moot in view of the new grounds of rejection.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
Stefano Karmis  
20 December 2007

A handwritten signature in black ink, appearing to read 'Stefano Karmis', with a long horizontal flourish extending to the right.